

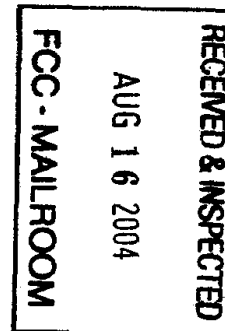
CLK 203



Federal Communications Commission
Washington, D.C. 20554

August 12, 2004

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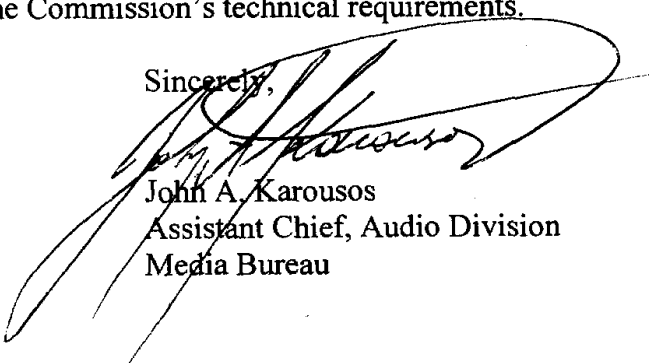
Dear Mr. Madden:

This is in response to the petition for rule making you filed on behalf of Charles M. Anderson requesting the substitution of Channel 264C2 for Channel 264C3 at Brownsville, Kentucky. To accommodate the upgrade, you also requested (1) the reclassification of Channel 264C to 264C0 at Cleveland, Tennessee; (2) the modification of the reference coordinates for vacant Channel 264A at Ashland, Alabama; and (3) the downgrade of Channel 265C3 to Channel 265A at Lebanon, Kentucky.

We have reviewed your proposal and find that it unacceptable for consideration at this time. Specifically, to accommodate the Brownsville proposal, you stated that the licensee of Station WUSY(FM) had consented to downgrade to Channel 264C0 at Cleveland, Tennessee, pursuant to an application (File No. BPH-20030124AGK) filed in another proceeding. However, the site for the Class C0 downgrade at Cleveland is at reference coordinates 35-12-26 NL and 85-17-10 WL. To be in compliance with the Commission's minimum distance separation requirements, you proposed that Station WUSY(FM) be downgraded to Channel 264C0 at reference coordinates 35-04-51 NL and 85-25-50 WL. However, the Commission does not permit the involuntary relocation of a licensee's transmitter site to accommodate a proposal. Therefore, your proposal is short-spaced to the licensed site of Channel 264C0 at Cleveland, Tennessee, and is in violation of Section 73.207(b)(1) of the Commission's Rules.

For the reason stated, above, we are returning your petition for rule making. You may refile it, provided it meets all of the Commission's technical requirements.

Sincerely,



John A. Karousos
Assistant Chief, Audio Division
Media Bureau